

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,
Plaintiff,
v.
FRED OAXACA et al.,
Defendants.

Case No. 2:16-cr-0348-RFB

ORDER

Before the Court are Defendants' Motion(s) to Vacate. ECF Nos. 107, 108 and 110. In their motions, Defendants argue that their convictions should vacated because their crime of conviction, aiding and abetting a Hobbs Act robbery, does not qualify as a crime of violence in light of United States v. Davis, 139 S.Ct. 2319 (2019). The Court rejects Defendants' argument and denies their motions. The Court finds that the Defendants' argument is and has been foreclosed by controlling Ninth Circuit precedent in Young v. United States, 22 F.4th 1115 (9th Cir. 2022).

For the reasons stated,

IT IS ORDERED that the Motions to Vacate [ECF Nos. 107, 108 and 110] are DENIED.

IT IS FURTHER ORDERED that the Motion for Leave [ECF No. 149] is GRANTED.

DATED: May 23, 2023.


RICHARD L. EDWARDS

**RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE**